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Department of Water Resources
Adjudication Bureau

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	) Subcase 63-05284
	)
Case No. 39576	) ORDER GRANTING MOTIONS TO
	) ALTER OR AMEND AND TO FILE
	) AMENDED NOTICE OF CLAIM;
	)
	) ORDER WITHDRAWING MASTERS
	) REPORT AND RECOMMENDATION;
	)
	) ORDER REQUESTING AMENDED
	) DIRECTOR'S REPORT FROM IDWR
	) AND SETTING DEADLINES

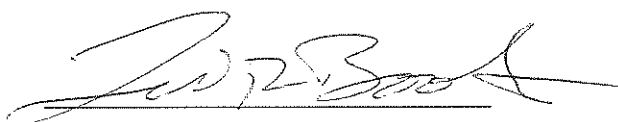
A *Special Master's Report and Recommendation* was issued for the above-captioned water right on October 23, 2007. On November 27, 2007, the Claimant, Charlie L. Gibson, through his attorney Dana Hofstetter, filed a *Standard Form 4 – Motion to File an Amended Notice of Claim*, seeking to claim a priority date earlier than had been originally claimed. On November 28, 2007, Mr. Gibson filed a *Motion to Alter or Amend*, apparently as a sort of procedural “place-holder” because the motion to file the amended claim was made subsequent to the master’s report having been issued. A hearing on the matter was held on January 22, 2008. At the hearing, counsel for Mr. Gibson demonstrated that in the process of preparing for trial regarding an objection to priority date filed by the Terteling Company, Inc. (objection withdrawn on October 16, 2007), the claimant discovered evidence to support the claim for an earlier priority date.

Having reviewed the motion to amend the claim and the documents attached thereto, and having heard the statements of the participants at the hearing, this Special Master finds that the claimant has demonstrated good cause for amended his claim at this point in time, that there is little likelihood of prejudice to other parties to the SRBA, and

that he has presented a meritorious position. Accordingly, the *Motion to File Amended Notice of Claim* and the *Motion to Alter or Amend* are hereby **granted**. The previously issued *Special Master's Report and Recommendation* is hereby **withdrawn**.

The Idaho Department of Water Resources is requested to file an amended director's report on the amended claim no later than March 31, 2008. The amended director's report will be published on the Court's docket sheet in April 2007, with an objection period ending April 28, 2008, and a response period ending May 16, 2008.

Dated: Jan. 25, 2008



THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTIONS; ORDER WITHDRAWING MASTER'S REPORT; ORDER SETTING DEADLINES was mailed on January 25, 2008, with sufficient first-class postage to the following:

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